

# EXHIBIT 3

**From:** [Michael K. Deamer](#)  
**To:** [Adnan Muttalib](#); [Sarah Salomon](#)  
**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](#); [#Microsoft.NYClassAction.FDBR](#);  
[NewYorkTimes\\_Microsoft\\_OHS@orrick.com](#); [dailynews-ai-rfem@rothwellfigg.com](#); [KVP-OAI](#);  
[openaicopyrightlitigation.lwteam@lw.com](#); [OpenAICopyright](#)  
**Subject:** RE: NYT v. Microsoft, et al. - Date Range for Custodial Collections  
**Date:** Thursday, March 27, 2025 3:04:41 PM

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Adnan,

Although we have been conferring about this issue since the last hearing, you still have not explained the discrepancies between the representations the Times has made regarding burden to the Court and Mr. Mandel's testimony about the Times's document collection systems and processes. Nevertheless, we appreciate your efforts to reach compromise on this issue. If the Times will agree to expand its collection for the six custodians in Ms. Salomon's March 21 email, below, for Google Vault **and** Slack collection, we will agree not to seek collection back to 2018 for any other custodians in the Times's current set. To the extent the Times is ordered to add additional custodians, OpenAI reserves the right to seek collection back to 2018 for those custodians. To be clear, this deal applies to the custodial data the Times is pulling for purposes of running search terms. To the extent that the Times is conducting independent, targeted searches for documents that predate 2022, this deal doesn't relieve them of their responsibility to obtain such documents from the custodians or employees who have them.

Please let us know if we have agreement by tomorrow.

Thanks,  
Michael

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**From:** Adnan Muttalib <[AMuttalib@susmangodfrey.com](mailto:AMuttalib@susmangodfrey.com)>  
**Sent:** Tuesday, March 25, 2025 10:14 PM  
**To:** Sarah Salomon <[ssalomon@keker.com](mailto:ssalomon@keker.com)>  
**Cc:** [NYT-AI-SG-Service@simplelists.susmangodfrey.com](#); [#Microsoft.NYClassAction.FDBR](#) <[MicrosoftNYClassActionFDBR@faegredrinker.com](mailto:MicrosoftNYClassActionFDBR@faegredrinker.com)>; [NewYorkTimes\\_Microsoft\\_OHS@orrick.com](#); [dailynews-ai-rfem@rothwellfigg.com](#); [KVP-OAI](#) <[KVPOAI@keker.com](mailto:KVPOAI@keker.com)>; [openaicopyrightlitigation.lwteam@lw.com](#); [OpenAICopyright](#) <[OpenAICopyright@mofo.com](mailto:OpenAICopyright@mofo.com)>  
**Subject:** RE: NYT v. Microsoft, et al. - Date Range for Custodial Collections

[EXTERNAL]

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Counsel,

Although you are correct that The Times employs Google Vault, we disagree with your characterization that it “allows for [the] easy and routine collection of documents.” As with any collection—especially one that seeks to expand the date range by four years—there is a significant burden associated with such a request. Nonetheless, in an effort to resolve this issue without motion practice, The Times is considering your proposal with respect to these six custodians. In exchange, we want to confirm that OpenAI will agree not (1) to seek any further collections dating back to 2018 nor (2) add any additional custodians to this Google Vault request.

Best,  
Adnan

Adnan Muttalib  
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Not admitted in California. Practicing under the supervision of the partnership of Susman Godfrey LLP.

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**From:** Sarah Salomon <SSalomon@keker.com>  
**Sent:** Friday, March 21, 2025 12:37 PM  
**To:** Adnan Muttalib <AMuttalib@susmangodfrey.com>  
**Cc:** NYT-AI-SG-Service@simplelists.susmangodfrey.com; #Microsoft.NYClassAction.FDBR <MicrosoftNYClassActionFDBR@faegredrinker.com>; NewYorkTimes\_Microsoft\_OHS@orrick.com; dailynews-ai-rfem@rothwellfigg.com; KVP-OAI <KVPOAI@keker.com>; openaicopyrightlitigation.lwteam@lw.com; OpenAICopyright <OpenAICopyright@mofo.com>  
**Subject:** NYT v. Microsoft, et al. - Date Range for Custodial Collections

**EXTERNAL Email**

Adnan,

We have considered your proposal that the Times run “targeted” search terms across the email files of certain custodians in lieu of more broadly expanding the date range on your custodial collection. Unfortunately, we cannot accept this proposal. At the last hearing, the Times represented to the Court that it had significant technological limitations on its ability to collect documents and provide hit counts. Your Rule 30(b)(6) custodian directly contradicted this account, confirming that the Times uses Google Vault for its Google Workspaces collection—a standard e-discovery tool that allows for easy and routine collection of documents. In our subsequent meet and confers, you have never explained the discrepancy between the Times’s representations in court and in its Rule 30(b)(6) testimony, nor have you substantiated your vague burden objections to expanding the date range for your custodial collection. Nevertheless, OpenAI will agree to resolve this issue without motion practice if the Times will agree to collect Google Workspaces and Slack data for the following custodians back to 2018, and run the

agreed-upon search terms for each:

1. AG Sulzberger
2. Meredith Levien
3. William Bardeen
4. Greg Miller
5. Alex Hardiman (back to 2019, when she started at the Times)
6. David Perpich

Please let us know by March 25 if you agree to this proposal. If you do not, OpenAI considers the parties at an impasse and will plan to renew its previous motion on this issue for the April 10 hearing.

**Sarah Salomon**

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